

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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LEEWARD CONSTRUCTION COMPANY,
LTD.,

Petitioner,

v.

AMERICAN UNIVERSITY OF ANTIGUA –
COLLEGE OF MEDICINE and MANIPAL
EDUCATION AMERICAS, LLC f/k/a GCLR,
LLC,

Respondents.

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Case No. 1:12-CV-06280-LAK/GWG
(ECF Case)

Honorable Lewis A. Kaplan
United States District Judge

**NOTICE OF CROSS-MOTION TO
DISMISS PURSUANT TO *FORUM
NON CONVENIENS* AND FED. R.
CIV. P. 12(B)(6), OR IN THE
ALTERNATIVE, TO VACATE OR
MODIFY THE ARBITRATION
AWARD**

PLEASE TAKE NOTICE that, on a time and date to be set by the Court, or as soon thereafter as counsel may be heard, respondents American University of Antigua – College of Medicine and Manipal Education Americas, LLC f/k/a GCLR, LLC (collectively, “Respondents”) shall cross-move before the Honorable Lewis A. Kaplan, U.S.D.J., at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY, 10007, for an Order pursuant to the *forum non conveniens* doctrine and Fed. R. Civ. P. 12(b)(6) to dismiss the action of petitioner Leeward Construction Company, Ltd. to confirm its arbitration award, or in the alternative, to vacate or modify the award pursuant to the Federal Arbitration Act, 9 U.S.C. § 1, *et seq.*, and for such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that in support of their motion, Respondents shall rely upon the Memorandum of Law, and the Declarations of Leonard Sclafani and Katherine M. Lieb (with exhibits) submitted herewith.

Dated: New York, New York
September 25, 2012

Respectfully submitted,

SILLS CUMMIS & GROSS P.C.
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New York, New York 10112
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By: s/ Katherine M. Lieb
MICHAEL B. GOLDSMITH
KATHERINE M. LIEB

*Attorneys for Respondents
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LLC f/k/a GCLR LLC*